

REMARKS

1 The Examiner objected to the drawings because no lead lines for reference
numerals 42 and 78 were placed on Figures 2 and 3. Furthermore, reference character
98 was used to designate both a pneumatic coupler and a pneumatic line. Applicants
5 submit herewith corrected Figures 2 and 3. The drawings are now believed to be in an
allowable condition.

 The Examiner rejected claim 20 under 35 U.S.C. § 112(2) as being indefinite.
Specifically, the Examiner makes the suggestion that certain additional text should be
deleted. The applicants appreciate the Examiner's suggestion and have amended
10 claim 20 accordingly. Claim 20 is now believed to be in condition for allowance.

 The Examiner has initially rejected claims 1 and 16 under 35 U.S.C. § 102(b) as
being anticipated by U. S. Patent No. 4,112,451 (Senoh). While applicants respectfully
disagree with the Examiner's rejection, the applicants have amended claim 1 to more
15 clearly describe the tensioning system of the specific invention. Specifically, claim 1
has been amended to specifically state that the tensioning nut is "operatively coupled
with a tensioning line that is operatively connected to the game net so that tension may
be selectively applied to the game net." Such a structural arrangement is depicted in
Figure 2 and described in the specification. The Senoh reference teaches a tensioning
20 line that extends from the game net, over a roller positioned on top of an upper
elongated support, and is firmly secured to a hook disposed on the exterior of a lower
elongated support. As a screw rod within the lower elongated support is rotated, a ring-
shaped block is advanced along the length of the screw rod. The block supports the

upper elongated support, which is telescopically received within the lower elongated support. Accordingly, as the block extends the elongated upper support outwardly from the elongated lower support, tension is placed on the tensioning line. Applicants' tensioning system is structurally different, as claimed, such that distinct functional differences and advantages are provided.

Applicants' tensioning line is specifically claimed as being operatively coupled with the tensioning nut, which is disposed within the interior portion of the net support. Accordingly, the first advantage to this structural difference is the disposition of a substantial portion of the tensioning line within the net support, as opposed to positioning the tensioning line along the exterior of the net support (as taught by Senoh), which is more easily interfered with, fouled, and capable of causing accidental injury. Moreover, by coupling the tensioning line with the tensioning nut, as opposed to the lower exterior portion of the net support, the tension placed on the net and the height at which the net is set are not directly correlated with one another. The Senoh standard teaches a structural arrangement that increases tension as the net standard is lengthened. Accordingly, if the net is positioned at the correct height, but a greater tension is desired, the tensioning line must be physically altered to have a shorter length so that the desired tension is attained at the desired net height. Moreover, this structural design necessarily requires a two-piece, telescoping net support. Applicants' tensioning system is taught as being capable of use in a static length net support as well as a telescoping net support. More importantly, the applicants' design permits adjustment to net height and net tension separately from one another. Accordingly,

claim 1 is believed to be patentably distinct from the prior art and the Examiner is respectfully requested to reconsider the aforementioned rejection and allow claim 1.

New claims 22, 23 and 24 have been added and specifically claim additional structures that can be incorporated with the applicants' tensioning system, as taught within the specification. Specifically, new claim 22 claims the combination of the roller guide at the upper end portion of the net support and the bushing that is operatively coupled with the tensioning nut so that these structures guide and support the tensioning line within the net support. Claim 23 specifically provides for an anchor for securing one end of the tensioning line with the net support so that the tensioning line is movably coupled with the tensioning nut as the tensioning nut travels along the tensioning screw. Those of skill in the art will recognize that this arrangement provides a two-pulley system that will operate more smoothly and with less required input force to create the desired output force to apply tension to the game net. This not only provides ease of use but will tend to have a longer functional life than a system like that taught by Senoh that does not take the advantage of the physics of a multiple pulley system. Claim 24 specifically provides that the anchor is disposed within the interior portion of the net support so that the tensioning line is at least partially disposed within the interior portion of the net support. Accordingly, as the tensioning system is structurally claimed, the tensioning line is advanced within, and retracted from, the net support. This provides for less interference with the tensioning line by players and those around the standard and provides an increased measure of operator safety. Accordingly, claims

22, 23 and 24 are believed to be allowable due to their dependence from claim 1 and at least for the aforementioned reasons.

Claim 16 specifically claims a "tensioning means disposed within the interior portion of said net support and operatively coupled with the net for selectively applying tension to the net." First, the tensioning means is limited as being disposed within the interior portion of said net support. Significant portions of the tensioning system disclosed by Senoh are secured to the exterior of the net support so that the tensioning line is disposed along the exterior of the net support along with the upper roller support. Accordingly, the Senoh reference does not teach a tensioning means that is disposed within the net support. More importantly, the Examiner's remarks fail to address the fact that the subject limitation is written in accordance with 35 U.S.C. § 112(6). Accordingly, no discussion is provided by the Examiner that details and analysis of the limitation in accordance with 35 U.S.C. § 112(6), as mandated by the MPEP (2181-84) and Federal Circuit case law. Insufficient structure is set forth within the subject limitation for performing the recited function of "selectively applying tension to the net." Accordingly, structures disclosed within the specification, and their § 112(6) equivalence, that are capable of performing this recited function must be identified. The structures identified within applicants' specification are the tensioning screw 24, the tensioning nut 42, the tensioning line 44, the roller guide 48, the nut bushing 52, and the anchor 54. This arrangement is depicted in Figure 2 and its operation (and advantages compared with the prior art) are described in the specification and hereinabove. The tensioning system disclosed by Senoh is clearly different from, and not equivalent to, the tensioning

1 system described within the applicants' specification and claimed within claim 16. The
PTO may not disregard the structure disclosed in the specification corresponding to
such language when rendering a patentability determination. In re Donaldson Co., 29
USPQ2d 1845 (Fed. Cir. 1994). Claim 16 is believed to be in condition for allowance
and the Examiner is respectfully requested to reconsider the aforementioned rejection
5 and to allow claim 16.

The Examiner rejected claims 2-8, 11, 12 and 17-19 under 35 U.S.C. § 103(a) as
being unpatentable over Senoh, as discussed hereinabove, in view of U.S. Patent No.
5,242,174 (Koole). Claims 2-8, 11 and 12 each ultimately depend from claim 1 and
10 claims 17-19 each ultimately depend from claim 16. Claims 1 and 16 are believed to be
allowable for the reasons set forth hereinabove. Accordingly, claims 2, 3, 17 and 18 are
also believed to be allowable. Moreover, claim 3 specifically recites a lower support that
telescopically receives the net support, while being capable of being simultaneously,
15 telescopically, received within the housing, beneath the playing surface. It is agreed
that Senoh teaches a telescoping net support and that Koole teaches a net support that
may be telescopically disposed beneath the ground surface. However, any rejection
simply based upon these facts fails to look at the applicants' invention as a whole. The
subject claims each are limited by the net tensioning system, which is specifically
20 claimed. This tensioning system is believed to make the applicants' system patently
distinct from other standards having a tensioning system. More importantly however,
the prior art fails to teach a tensioning system that would permit the standard to be
telescopically received beneath the playing surface. For example, portions of the net
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1 tensioning system of the device disclosed by Senoh are disposed along the exterior of
the standard. The structures would engage the housing and prevent the passage of the
standard into the housing beneath the playing surface. There is no teaching or
suggestion found in any of the prior art references which would guide a person of skill in
5 the art in the assembly of a net tensioning system that is as claimed by the applicants
and would be telescopically receivable beneath the playing surface.

 Claim 6 specifically recites a "means between the upper and lower end portions
of said lower support for selectively engaging said lock lug to maintain an extended or
retracted position and prevent unwanted telescopic movement of said lower support
10 with respect to said housing." This limitation fails to describe structure sufficient for
performing the recited function of selectively engaging said lock lug to maintain an
extended or retracted position. Accordingly, the limitation must be interpreted in
accordance with 35 U.S.C. § 112(6), as described hereinabove. The specification
15 describes a plurality of height adjustment stops 80 that are disposed along the length of
the outer surface of the lower support 56. The adjustment stops 80 are designed to
engage the locking lug 72 to prevent retraction of the standard. Claim 7 specifically
adds that the "means" is positioned along the length of the lower support between the
upper and lower end portions to define a plurality of pre-set heights of the standard with
20 respect to the playing surface. The standard of the present invention is described as
being usable for various sports, such as tennis and volleyball. It is also usable for
various skill levels within a single sport. The pre-set positioning of the adjustment stops
80 provide for those accurate and repeatable height adjustment settings. The locking
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means 61 of Koole is merely depicted as a frictional engagement stop that is provided with no positive stops along the lengths of the standard for specific, pre-set positions. There is no teaching or suggestion within the prior art to provide the locking "means" as taught and claimed by the applicants.

Claim 8 specifically recites a "means for locking said net support in an extended position with respect to said lower support." Again, this limitation fails to describe structure sufficient for performing the recited function of locking the net support in an extended position with respect to the lower support. Accordingly, the limitation must be interpreted in accordance with 35 U.S.C. § 112(6), as described hereinabove. The specification clearly describes a plunger assembly 88 that is disposed within the net support 16, adjacent the net tensioning system 22. The plunger 90 is positioned to be selectively extended outwardly from an opening 92 in the side of the net support 16. The plunger 90 remains in a retracted state until the net support 16 is extended from within the lower support 56 in a sufficient distance for the plunger 90 to pass the upper end portion 58 of the lower support 56, where it extends to provide a positive stop. No such structure is described within the prior art. Senoh discloses a telescoping standard, wherein the positive stop for the upper portion is the tensioning nut that is secured along the tensioning screw.

Claim 12 is specifically limited by a "means for releasably coupling a lower portion of the net to said net support." This limitation fails to specifically write structure sufficient for performing the recited function of releasably coupling a lower portion of the net to the net support. Accordingly, the limitation must be interpreted in accordance

with 35 U.S.C. § 112(6), as discussed hereinabove. Figure 5 depicts a system described in the specification as a lower tensioning line having nuts disposed at their opposite ends, which are received within keyhole openings formed in the opposing net standards. A line winch 108 is disposed at one end of the tensioning line for tensioning and securement of the tensioning line. The Halverson patent discloses a plate that is positioned to extend perpendicularly from a vertical post. The plate is provided with a keyhole that receives the knotted end of a net tensioning line. The Halverson system is a cumbersome method of tensioning the line as it must either be shortened or a plurality of knots created to provide the desired tension. Applicants' line winch 108 provides a quick secure method of tensioning the line, while the nuts and connectors disposed at the opposite ends of the line provide a reliable and sturdy structure for securing the ends of the line within the opposing keyholes. Moreover, the formation of the key holes within the sides of the standards permits their telescopic retraction beneath the playing surface as claimed. Plates that extend outwardly from the standards would interfere with this claimed operation.

Claim 18 is comprised of limitations similar to those set forth in claim 3 and describe the telescopic nature of the claimed standard and its ability to be telescopically received within a housing beneath the playing surface. As more specifically set forth herein above with respect to claim 3, the prior art does not teach or otherwise suggest the combined system, including the net tensioning system, that is telescopically collapsible as claimed. Similarly, claim 19 claims a means for selectively positioning the net support at one of a plurality of pre-set heights above the playing surface. This

1 limitation must be construed in accordance with 35 U.S.C. § 112(6) as described
hereinabove. The figures and specification describe a structural system for performing
the recited function, one embodiment of which is claimed by claims 6 and 7. The prior
art simply does not suggest or otherwise teach a structure locking system with a
5 plurality of pre-set stops along the external surface of the standard, which is in itself
retractable beneath the playing surface. (As discussed in greater detail with respect to
claims 6 and 7 hereinabove).

10 For the aforementioned reasons, claims 2-8, 11, 12 and 17-19 are believed to be
allowable over the prior art and the Examiner is respectfully requested to reconsider the
foregoing rejections and permit the claims to issue.

15 The Examiner has rejected claims 9, 10 and 20 under 35 U.S.C. § 103(a) as
being unpatentable over Senoh and Koole as described hereinabove in view of U.S.
Patent No. 3,645,370 (Rodwell et al.). Claims 9 and 10 ultimately depend from claim 1
and claim 20 ultimately depends from claim 16. Claims 1 and 16 are believed to be
allowable as set forth hereinabove. Accordingly, claims 9, 10 and 20 are also believed
to be allowable for at least those reasons. Moreover, claim 9 describes a power
"means" for generating pressure within said housing to selectively extend the lower
support from within said housing and extend said net support from within said lower
20 support. Insufficient structure is recited within the limitation for specifically performing
the recited function. Accordingly, the limitation must be interpreted in accordance with
35 U.S.C. § 112(6) as specifically discussed hereinabove. The specification specifically
describes a plurality of structural embodiments that would perform this function. One
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1 such embodiment uses power cylinder mechanics, but not a separate power cylinder as
specifically taught by Rodwell et al. who teach a hydraulic cylinder that is connected to
the cord of the tennis net so that the net is raised when the ram is extended. First, the
hydraulic cylinder in the Rodwell et al. reference raises the net. It does not actuate the
telescoping nature of the standard from a housing beneath the playing surface or an
5 upper portion of the standard with respect to a lower portion of the standard, as
specifically claimed by the applicants.

Secondly, the applicants' system essentially transforms the standard 10 into one
big hydraulic cylinder. A pneumatic line is operatively coupled to the housing 62.
10 Piston seals 102 and 104 are coupled to the lower end portions 60 and 20 of the lower
support 56 and the net support 16. The piston seal 102 is positioned to be in
engagement with the inner surface of the housing 62 to properly seal the openings of
the system. As pneumatic pressure is applied to the system, the net support 16
15 extends from the lower support 56, which will extend from the housing 62. The release
of the pneumatic pressure permits the lower support 56 to retract within the housing 62
and the net support 16 to retract within the lower support 56. Accordingly, the structure
described for performing the recited function is patentably distinct from any other
systems for raising and lowering net standards described within the prior art. Similarly,
20 claim 10 more specifically describes the power means such that it provides a cushion
for selectively and gradually retracting the net support into the lower support and the
lower support into the housing.

1 Claim 20 is specifically limited by a "means" for generating pressure within said
housing to selectively extend said lower support from within said housing and extend
said support from within said lower support. This limitation is similar to that described
hereinabove for claim 9. Accordingly, claim 20 is believed to be allowable for similar
5 reasons. The Examiner is respectfully requested to reconsider the aforementioned
rejections and allow claims 9, 10 and 20.

10 Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over
Senoh and Koole as described hereinabove in view of U.S. Patent No. 4,732,395
(Halverson). Claim 13 specifically states that the attachment "means" of claim 12 is
comprised of a keyhole formed in the net support that releasably receives a shaped
coupling member on the lower portion of the net. Claim 13 depends from claim 12,
which is believed to be allowable for the reasons set forth hereinabove. Accordingly, for
similar reasons, claim 13 is also believed to be in condition for allowance.

15 Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Senoh
and Koole as set forth hereinabove in view of U.S. Patent No. 4,844,477 (Pardi). Claim
14 depends from claim 12 which is believed to be allowable as set forth hereinabove.
Accordingly, claim 14 is believed to be allowable for similar reasons. While the Pardi
20 reference teaches a ratcheting mechanism, it is quite different from that claimed by the
applicants. The applicants' invention, as a whole, is claimed as having a tensioning line
that extends between the two opposing standards and is secured within keyholes
formed in the standard, using shaped fasteners at the opposite ends of the tensioning
line. The line winch 108 or "ratchet" provides the quick and easy manner of tensioning
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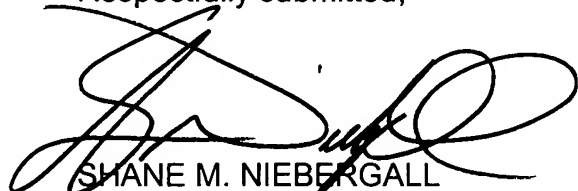
1 the entire lower assembly by pulling the line taught. This system as a whole is not
taught or otherwise suggested within the prior art. Accordingly, claim 14 is believed to
be allowable.

5 Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over
Senoh and Koole as set forth hereinabove in view of U.S. Patent No. 3,195,898
(Respini). Claim 15 depends from claim 1, which is believed to be allowable as set forth
hereinabove. Accordingly, claim 15 is believed to be allowable for similar reasons.

10 In light of the above amendments and remarks, applicants assert that the claims
are in condition for allowance. Applicants respectfully request reconsideration and
allowance of the same.

No fees or extensions of time are believed to be due in connection with this
amendment; however, please consider this a request for any extension inadvertently
omitted, and charge any additional fees to Deposit Account No. 502093.

15 Respectfully submitted,



SHANE M. NIEBERGALL
Registration No. 44,974
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

20 2120 South 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280



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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for JOSEPH S. WEWEL, ET. AL., Serial No. 10/614,841, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of July, 2004.

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SHANE M. NIEBERGALL

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